



#8

IN THE UNITED STATES PATENT AND TRADEMARK

Applicant:	BRENNAN	Examiner:	Unassigned
U.S.S.N.:	09/903,376	Group Art Unit:	1645
Filed:	July 10, 2001	Docket:	R-599
For:	TRANSGENIC MICE CONTAINING 5-HT-2B GENE DISRUPTIONS		

**SECOND RESPONSE TO REQUEST FOR SUBSTITUTE PAPERS UNDER 37 CFR §1.251
INCORPORATED WITH RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR
PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID
SEQUENCE DISCLOSURES**

Commissioner for Patents
Washington, D.C. 20231
BOX DUPLICATE OIPE,
U.S Patent and Trademark Office,
P.O. BOX 2237
Arlington, VA. 22202-2327

Sir:

On May 7, 2002, the Applicant submitted a response by fax (703)-746-9195 to the Request for Substitute Papers mailed on April 25, 2002, requesting a duplicate set of the papers filed on January 22, 2002. A copy of the original response is enclosed. Further, the Applicant has received a Second Request for Substitute Papers mailed on August 26, 2002, for the submission of the papers filed on January 22, 2002 (certificate of mailing dated 10/23/01). In view thereof, the Applicant submits a second response.

Further, in response to the Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed August 29, 2002, Applicant submits herewith:

1. A sequence listing on paper and in computer readable format pursuant to 37 C.F.R. §1.821(c) and (e); and
2. A copy of the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures.

The content of the paper and computer readable copies of the sequence listing submitted in this application are the same.

Moreover, as the sequence listing merely presents nucleotide and/or amino acid sequences that appeared in the application as originally filed in accordance with 37 C.F.R. §1.821-1.825, no new matter has been introduced into the application.

Accordingly, Applicant respectfully requests the entry of the paper and computer readable forms of the sequence listing into the application. If it is felt that a personal communication would expedite the handling of the requested papers, please contact the undersigned.

September 5, 2002

Date
740 Bay Road
Redwood City, CA 94063

Respectfully submitted,
DELTAGEN, INC.

Mariette A. Lapiz

Mariette A. Lapiz
Reg. No. 44,202
Phone: 650/569-5100

I certify that the enclosed papers are being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, BOX DUPLICATE OIPE, U.S. Patent and Trademark Office, P.O. BOX 2237, Arlington, VA. 22202-2327, on September 5, 2002.

Don Mixon

Don Mixon



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/903,376	07/10/2001	Thomas J. Brennan	R-599

CONFIRMATION NO. 8327

FORMALITIES LETTER



OC00000006494967

DELTAGEN, INC.
1003 Hamilton Avenue
Menlo Park, CA 94025

Date Mailed: 08/30/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$643.
 - \$108 for 12 total claims over 20.
 - \$400 for 10 independent claims over 3.
 - \$135 for multiple dependent claim surcharge.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1063.
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file

in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

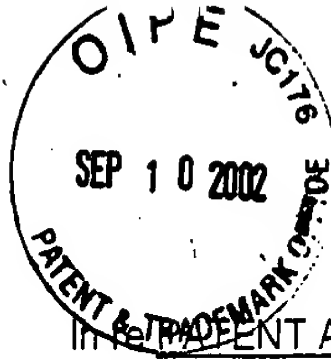
- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
FILING COMPLETION UNDER RULE 53(f)

IN PATENT APPLICATION of

Inventor Thomas J. Brennan

Appln. No.: 09/903,376

Filed: July 10, 2001

Title: Transgenic Mice Containing 5-HT-2B Gene
Disruptions

Order/Docket No. R-599
Deposit Account No. 50-1271
Customer No. 26619

Date: October 23, 2001

Commissioner for Patents
BOX MISSING PARTS
Washington, D.C. 20231

Sir:

The following **completes the filing** under Rule 53(f) of the above-identified patent application:

1. ☒ Enclosed is a copy of the Notice to File Missing Parts.
2. ☒ Signed Declaration enclosed: ☒ Original / ☐ facsimile/copy
3. ☒ Enclosed is an Assignment and cover sheet. Please return the recorded Assignment to the undersigned.
4. ☒ Enclosed is the sequence listing on paper and a diskette containing said sequence listing.
5. ☒ Applicants state that the content of the sequence listing information recorded in computer readable form is identical to the written sequence listing and includes no new matter, as required by 37 CFR 1.821.
6. ☒ Applicants hereby claim "small entity" status.

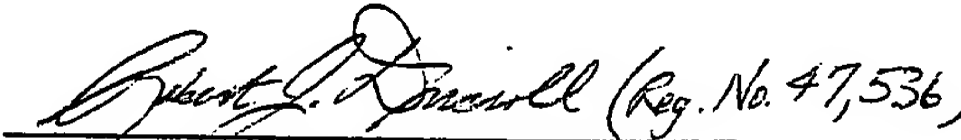
THE FOLLOWING FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY ABOVE CANCELLED

7. Basic Filing Fee.....				\$370.	\$	\$370.00	201
8. Total Claims	34	minus 20 =	14	x 9.	+	126.00	203
9. Independent Claims	13	minus 3 =	10	x 42.	+	420.00	202
10. Multiple Dependent Claims				140.	+	140.00	
11. Surcharge for filing Declaration/filing fee late				65.	+	65.00	205
12. FILING FEE: <input type="checkbox"/> CHARGE AUTHORIZATION <input checked="" type="checkbox"/> ENCLOSED =				\$ 1121.00			
13. Original due date: October 30, 2001							
14. Petition is hereby made to extend the original due date to cover the date of this response, for which the requisite fee is enclosed.				\$ 55. / 195. 445. / 695.		.00	
15. If Assignment is included, add recording fee				\$ 40.	+	40.00	581
16. TOTAL FEE (enclosed): =				\$1161.00			

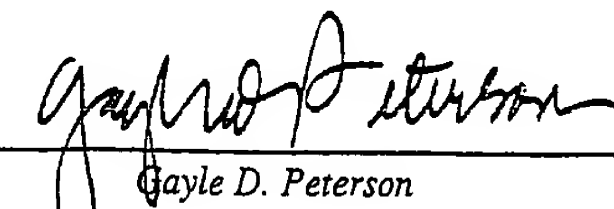
CHARGE STATEMENT: The Commissioner is hereby authorized to charge any missing fees required, or credit any overpayment, to our Account/Order No. shown above, for which a duplicate copy of this sheet is enclosed.

DELTAGEN, INC.

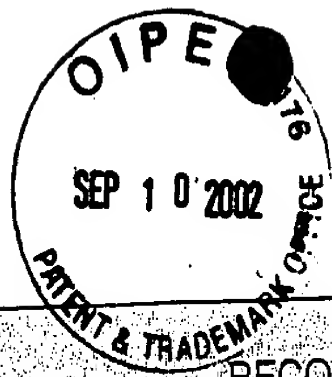
740 Bay Road
Redwood City, CA 94063
Tel: (650) 569-5168
Fax: (650) 569-5568


for Jane K. Babin, Reg. No. 47,224

I certify that the enclosed papers are being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, BOX MISSING PARTS, Washington, D.C. 20231, on October 23, 2001.


Gayle D. Peterson

R-599



BOX ASSIGNMENTS

RECORDATION FORM COVER SHEET
PATENT APPLICATIONS AND PATENTS

TO THE COMMISSIONER FOR PATENTS AND TRADEMARKS:

Sir: Please record the enclosed documents.

1. NAME OF CONVEYING PARTY/IES:

a. Thomas J. Brennan

2. PARTY(ASSIGNEE) RECEIVING INTEREST:

NAME: DeltaGen, Inc.
ADDRESS: 1003 Hamilton Avenue
Menlo Park, CA 94025

3. NATURE OF CONVEYANCE: (Submit one document for recordation--multiple copies signed by different inventors is one document)

☒ Assignment of ☒ Whole ☐ Part interest

☐ Change of name ☒ Patent Application

☐ Security ☐ Merger ☐ Other:

Execution date:
September 17, 2001

4. Pat. App. No.

Filing Date

DeltaGen Ref.

09/903,376

July 10, 2001

R-599

5. Name and address of party to whom correspondence concerning document should be mailed:

DeltaGen, Inc.
1003 Hamilton Avenue
Menlo Park, CA 94025

Tel. (650) 569-5174

Fax (650) 569-5574

6. NUMBER INVOLVED:

Applns: 1 + Pats: 0 = TOTAL 1

7. Amount of fee enclosed:

\$40.00

8. If fee is missing or inadequate, please charge i
insufficiency to:

Deposit Account No. 50-1271
Order No. R-599

9. STATEMENT AND SIGNATURE. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Gayle D. Peterson

Date: October 23, 2001

10. Total pages including this cover sheet and document: 2

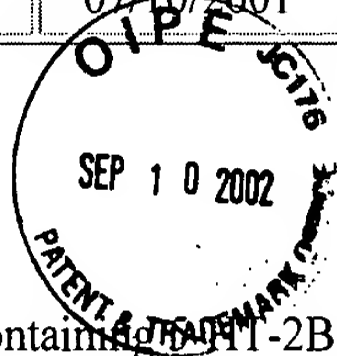


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231
 www.uspto.gov

Application Number	Filing Date	First Named Applicant	Atty. Docket No.
09/903,376	07/10/2001	Brennan, Thomas	R-599

DELTAGEN, INC.
 1003 Hamilton Avenue
 Menlo Park CA 94025



Title: Transgenic mice containing α -1-2B gene disruptions

Date Mailed: 08/26/2002

Request for Substitute Papers

The papers filed on 01/22/02 (certificate of mailing dated 10/23/01) are no longer in condition to become part of the permanent records of the United States Patent and Trademark Office (USPTO) for this application (37 CFR 1.52(a)) due to the United States Postal Service sanitization process.

The USPTO requests that applicant provide a copy of the above-identified papers (except for any U.S. or foreign patent documents submitted with the above-identified papers) with a statement that such copy is a complete and accurate copy of the above-identified papers (signing and returning a copy of this notice will provide such a statement). The reply to this letter should be submitted to the USPTO by facsimile at the number indicated ~~703-746-9195~~ **703-746-9195**

Alternatively, the reply to this letter may be hand-carried to the Customer Service Window located in Room 1B03 of Crystal Plaza Building 2, Arlington, Virginia, 22202.

The USPTO **strongly** prefers that the reply to this letter be submitted by facsimile. However, if applicant cannot submit the reply to this letter by facsimile (or hand-delivery), the reply may be mailed to: Box Duplicate OIPE, U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202-2327.

This letter is not a notice under 37 CFR 1.251. However, failure to timely replay to this notice within **two (2) weeks** of the date of receipt of this letter may result in the USPTO issuing a notice under 37 CFR 1.251. **A copy of this notice should be included with the reply.**

 The enclosed papers are a complete and accurate copy of the above-identified papers.

Name: Mariette A. Lapiz Registration No.: 44,202

Signature: Mariette A. Lapiz Date: Sept. 5, 2002



SEP 10 2002
PATENT AND TRADEMARK OFFICE
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

Application Number	Filing Date	First Named Applicant	Atty. Docket No.
09/903,376	07/10/2001	Brennan, Thomas	R-599

DELTAGEN, INC.
1003 Hamilton Avenue
Menlo Park CA 94025

Title: Transgenic mice containing 5-HT-2B gene disruptions

Date Mailed: 04/25/2002

Request for Substitute Papers

The papers filed on 01/22/02 (certificate of mailing dated 10/23/01) are no longer in condition to become part of the permanent records of the United States Patent and Trademark Office (USPTO) for this application (37 CFR 1.52(a)) due to the United States Postal Service sanitization process.

The USPTO requests that applicant provide a copy of the above-identified papers (except for any U.S. or foreign patent documents submitted with the above-identified papers) with a statement that such copy is a complete and accurate copy of the above-identified papers (signing and returning a copy of this notice will provide such a statement). The reply to this letter should be submitted to the USPTO by facsimile at the number indicated ~~703-746-4860 (OIPE)~~ 703-746-9195.

Alternatively, the reply to this letter may be hand-carried to the Customer Service Window located in Room 1B03 of Crystal Plaza Building 2, Arlington, Virginia, 22202.

The USPTO **strongly** prefers that the reply to this letter be submitted by facsimile. However, if applicant cannot submit the reply to this letter by facsimile (or hand-delivery), the reply may be mailed to: Box Duplicate OIPE, U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202-2327.

This letter is not a notice under 37 CFR 1.251. However, failure to timely replay to this notice within **two (2) weeks** of the date of receipt of this letter may result in the USPTO issuing a notice under 37 CFR 1.251. **A copy of this notice should be included with the reply.**

The enclosed papers are a complete and accurate copy of the above-identified papers.

Name: ROBERT DRISCOLL Registration No.: 47,536

Signature: *Robert J. Driscoll* Date: 05/07/02



IN THE UNITED STATES PATENT AND TRADEMARK

Applicant:	BRENNAN	Examiner:	Unassigned
U.S.S.N.:	09/903,376	Group Art Unit:	1645
Filed:	July 10, 2001	Docket:	R-599
For:	TRANSGENIC MICE CONTAINING 5-HT-2B GENE DISRUPTIONS		

RESPONSE TO REQUEST FOR SUBSTITUTE PAPERS UNDER 37 CFR §1.251

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Request for Substitute Papers mailed April 25, 2002, Applicant is forwarding herewith, via facsimile, a copy of the papers filed October 23, 2001 (USPTO date 01/22/02), which were in response to the Notice to File Missing Parts of Application ("Notice") mailed August 30, 2001. Applicant certifies that the enclosed papers are complete, accurate and exact with respect to those filed on October 23, 2001 in response to the Notice.

In accordance with the Request for Substitute Papers, the original response was considered not to be "in condition to become a part of the permanent records of the USPTO for this application, due to the United States Postal Service sanitization process." Therefore, since the response included a diskette containing the computer readable sequence listing required by the Notice, Applicant will also forward a copy of the substitute papers via Express Mail in order to include a copy of the diskette. Applicant certifies that the content of the sequence listing in computer readable form is identical to the written sequence listing and includes no new matter, as required by 37 CFR §1.821.

Respectfully submitted,
DELTAGEN, INC.

05/07/02
Date
740 Bay Road
Redwood City, CA 94063

Robert J. Duvall (Reg. No. 47,536)
for Mariette A. Lapiz
Reg. No. 44,202
Phone: 650/569-5100



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/903,376	07/10/2001	Thomas J. Brennan	R-599

DELTAGEN, INC.
1003 Hamilton Avenue
Menlo Park, CA 94025



CONFIRMATION NO. 8327

FORMALITIES LETTER



OC00000008710859

Date Mailed: 08/29/2002

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d). Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

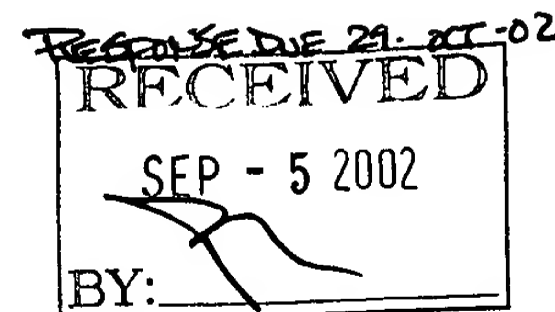
- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY





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PHONE <i>680,569-5100</i>				PHONE <i>202,305-4357</i>			

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T12

249/ 301

USPTO RECEIPT FOR INDICATED ITEMS

Appln. No: 09/903,376
Inventor: Thomas J. Brennan
Title: Transgenic Mice Containing 5-HT-2B
Gene Disruptions

Agent: MAL
Date: 07 MAY 2002
Dkt #: R-599
Customer #: 26619

ENCLOSED:

- ☒ Request for Substitute Papers
- ☒ Copy of Notice to File Missing Parts
- ☒ Copy of Response to Notice (Transmittal with small entity and sequence statements)
- ☒ Copy of Original Signed Declaration and Power of Attorney
- ☒ Copy of Assignment and Recordation Cover Sheet
- ☒ New Diskette containing Sequence Listing (identical to paper/contains no new matter)
- ☒ New Paper copy of Sequence Listing (contains no new matter)
- ☒ Copy of Check for \$1161.00; and Date-Stamped Postcard
- ☒ Express Mail Certification, Label No. EV 007607532 US

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)Applicant(s): **BRENNAN**

Docket No.

R-599

Serial No.

09/903,376

Filing Date

July 7, 2001

Examiner

Unassigned

Group Art Unit

1645Invention: **TRANSGENIC MICE CONTAINING 5-HT-2B GENE DISRUPTIONS**

SEP 10 2002

PATENT & TRADEMARK

I hereby certify that this **RESPONSE TO REQUEST FOR SUBSTITUTE PAPERS***(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Commissioner of Patents and Trademarks, Washington, D.C.

20231-0001 on **05/07/02***(Date)***JOYCE VOGEL***(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)***EV 007607532 US***("Express Mail" Mailing Label Number)***EV007607532US****Note: Each paper must have its own certificate of mailing.**



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EV 007607532 US



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Date In No. 5.7.02 Day 16.51 Year 02	Military <input type="checkbox"/> 12 Noon <input checked="" type="checkbox"/> 3 PM <input type="checkbox"/>	Postage \$ 12.43
Time In <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Int'l Alpha Country Code	Return Receipt Fee
Weight lbs. 6.00 ozs.	Int'l Alpha Country Code	COD Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials 1	Insurance Fee
Total Postage & Fees \$ 12.43		

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Customer Signature

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X940461

Federal Agency Acct. No. or
Postal Service Acct. No.

FROM: (PLEASE PRINT)

PHONE **650.569.5100**

**DELTA GEN INC
740 BAY RD
REDWOOD CITY**

CA 94063-2469

TO: (PLEASE PRINT)

PHONE **203.305.4353**

**COMMISSIONER FOR PATENTS
WASHINGTON DC 20231-0001**

*Logel
L599*

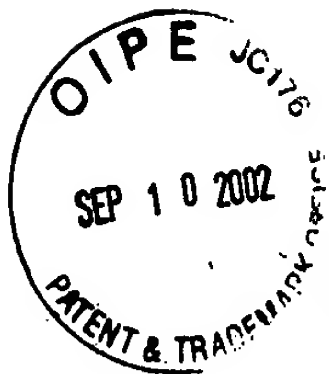
Box Missing Parts

FOR PICKUP OR TRACKING CALL 1-800-222-1811

www.usps.com



Customer Copy
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FAX:650 569 5280

U*****2AP 181 J

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FILE START	MODE	LOCATION	STORE	TX/RX	TOTAL	CODE
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450 05/07 15:14 TX		917037469195	13	13/ 0	04'28"	OK-F

ERROR PAGE=



Deltagen

Facsimile

Deltagen Inc.
1003 Hamilton Avenue
Menlo Park, CA 94025
United States of America
Tel. +1 650 752 0200
Fax. +1 650 752 0202

To: U.S. Patent and Trademark Office

Fax #: 703/746-9195

From: Mariette A. Lapiz, Reg. No. 44,202

Date: May 7, 2002

Copy:

Pages including this: 12

Subject: Title: Transgenic Mice Containing 5-HT-2B Gene...
Application No.: 09/903,376
Filed: July 7, 2001
Inventor: Thomas J. Brennan

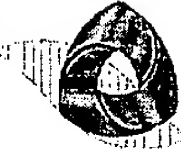
The undersigned Atty/Agent certifies that the following documents are being forwarded this date, 05/07/02, via facsimile at 703/746-9195 to the U.S. Patent and Trademark Office:

- Response to Request for Substitute Papers Under 37 CFR 1/251;
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Mariette A. Lapiz (Reg. No. 47,536)
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To: U.S. Patent and Trademark Office

Fax #: 703/746-9195

From: Mariette A. Lapid, Reg. No. 44,202

Date: May 7, 2002

Copy:

Pages including this: 12

Subject: Title: Transgenic Mice Containing 5-HT-2B Gene...

Application No.: 09/903,376

Filed: **July 7, 2001**

Inventor: Thomas J. Brennan

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